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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-------------------------|---------------------------------|------------------|
| 10/696,833 | 10/30/2003 | Michael Eugene Prosek | | 9119 |
| 7590 William E. Noonan POB 07338 Fort Myers, FL 33919 | 04/12/2011 | | EXAMINER STRANSKY, KATRINA M | |
| | | ART UNIT 3734 | PAPER NUMBER | |
| | | MAIL DATE 04/12/2011 | DELIVERY MODE PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10696833 | 10/30/2003 | PROSEK, MICHAEL UGENE | MIT101 |

EXAMINER

William E. Noonan
POB 07338
Fort Myers, FL 33919

KATRINA STRANSKY

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| ART UNIT | PAPER |
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3734 20110330

DATE MAILED:

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Commissioner for Patents

The Preliminary Amendment of March 11, 2011 will not be entered because it was received after preparation of the first Office Action on the merits. The March 11, 2011 preliminary amendment unduly interferes with the preparation of the first Office Action according to 37 CFR 1.115(b)(2) (see full text below).

The first Office Action on the merits was prepared and the search completed on March 4, 2011. The first Office Action was approved on March 12, 2011 and mailed on March 15, 2011. As of the receipt date of March 11, 2011 of the preliminary amendment, the first Office Action and search were complete. The twelve (12) additional claims presented in the preliminary amendment of March 11, 2011, would significantly change the the current set of claims and unduly interfere with the preparation of the first Office Action. Therefore, the preliminary amendment, it will not be entered.

37 CFR 1.115. Preliminary amendments.

(b) A preliminary amendment in compliance with § 1.121 will be entered unless disapproved by the Director.

(1) A preliminary amendment seeking cancellation of all the claims without presenting any new or substitute claims will be disapproved.

(2) A preliminary amendment may be disapproved if the preliminary amendment unduly interferes with the preparation of a first Office action in an application. Factors that will be considered in disapproving a preliminary amendment include:

(i) The state of preparation of a first Office action as of the date of receipt (§ 1.6) of the preliminary amendment by the Office; and

(ii) The nature of any changes to the specification or claims that would result from entry of the preliminary amendment.

(3) A preliminary amendment will not be disapproved under (b)(2) of this section if it is filed no later than:

(i) Three months from the filing date of an application under § 1.53 (b);

(ii) The filing date of a continued prosecution application under § 1.53 (d); or

(iii) Three months from the date the national stage is entered as set forth in § 1.491 in an international application.

(4) The time periods specified in paragraph (b)(3) of this section are not extendable.

/Gary Jackson/
Supervisory Patent Examiner, Art Unit 3734

/KATRINA STRANSKY/
Examiner, Art Unit 3734